

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 08-10-07**

Date Published: October 2, 2008
For Work Week Commencing: October 6, 2008
Commission Meeting: October 7, 2008, 9:00 a.m.

General Introduction *This agenda is the Commission's Utility Division agenda for the work week designated. In the latter part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.*

Place of Meetings *All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.*

Live webcast *Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio and video feed links on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.*

Inquiries *General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.*

Accommodation for Persons with Disabilities *Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.*

9:00 a.m. Weekly Scheduling (Commission Conference Room – No Web Audio Feed)

9:30 a.m. Business (Bollinger Room)

Public Comments

Action Items All items identified below are for action at the Commission business meeting.

1. CenturyTel N2008.9.118 (Scott)

On September 22, 2008, CenturyTel filed Advice 08-05. The purpose of this filing is to grandfather Select Pak Service. The Company is requesting an effective date of October 22, 2008. Probable Motion: Approve CenturyTel's filed Advice 08-05 in Docket N2008.9.118.

2. Qwest Corporation D2002.6.68 (Gary)

Qwest Corporation/Level 3 Communications, LLC - Interconnection Agreement Amendment

Qwest has filed for approval with this Commission a TRO/TRRO amendment in the docket listed above. The FCC, with the guidance of the United States D.C. Court of Appeals, has redefined what constitutes an unbundled network element (UNE) under Section 251 of the 1996 Telecommunications Act. Specifically, the FCC issued its Triennial Review Order (TRO) effective October 3, 2003. This was followed by the United States D.C. Court of Appeals USTA II decision on March 2, 2004. Finally, the Commission issued its Triennial Review Remand Order (TRRO) on March 11, 2005. The effect of these orders and decision was to remove a number of UNEs from the list of UNEs required to be offered to competitive local exchange carriers (CLECs). This amendment lists approximately 30 UNEs which Qwest and the party to this agreement have agreed are no longer required to be offered under Section 251. This amendment was voluntarily negotiated by the parties involved. Probable Motion: Move to approve the interconnection agreement amendment between Qwest Corporation and Level 3 Communications, LLC in Docket No. D2002.6.68

3. Qwest Corporation D2004.12.194 (Gary)

Qwest Corporation/BullsEye Telecom, Inc. - Interconnection Agreement Amendment

Qwest has filed for approval with this Commission an interconnection agreement amendment in the above docket. This amendment updates the Common Area Splitter Collocation terms, conditions, and rates. In addition the amendment replaces the existing Unbundled Network Elements (UNEs) Section 9 in its entirety with an updated UNE Section 9. This amendment was

voluntarily negotiated by the parties involved. Probable Motion: Move to approve the interconnection agreement amendment between Qwest Corporation and BullsEye Telecom, Inc. in Docket No. D2004.12.194.

4. Qwest Corporation D2006.1.5 (Gary)

Qwest Corporation/360networks (USA) Inc. - Interconnection Agreement Amendment

Qwest has filed for approval with this Commission an interconnection agreement amendment in the above docket. This amendment adds terms and conditions to calculate the per minute rate which 360networks will pay Qwest for Transit Traffic. This amendment was voluntarily negotiated by the parties involved. Probable Motion: Move to approve the interconnection agreement amendment between Qwest Corporation and 360networks (USA) Inc. in Docket No. D2006.1.5.

5. CenturyTel of Montana D2006.12.192 (Gary)

CenturyTel of Montana, Inc. and 360networks (USA) Inc. - Interconnection Agreement Amendment

CenturyTel has filed for approval with this Commission an interconnection agreement amendment in the above Docket. This amendment adds a Directory Services Agreement as Appendix D to the agreement. This amendment was voluntarily negotiated by the parties involved. Probable Motion: Move to approve the interconnection agreement amendment between CenturyTel of Montana, Inc. and 360networks (USA), Inc. in Docket No. D2006.12.192.

Work Sessions All items identified below are for Commission discussion or action on the day designated.

1. D2008.8.95 – NorthWestern Energy – Application for Approval to Construct and Operate the Mill Creek Generating Station to Supply Regulation Service for NorthWestern Energy's Montana Electric Operations and Montana Transmission Control Area – Discuss and act on any opposed petitions to intervene. (10/7/08)

2. D2007.11.131 – Whitehall Wind, LLC Complaint against NorthWestern Energy for Failure to Submit Annual Avoided Cost Rate Information – Discuss and act on competing motions for summary disposition. (10/7/08)
3. D2006.7.108 – Westech Energy Corporation – Application to Establish Initial Rates and Charges for Natural Gas Transportation Service – Discuss and act on the Motion for Reconsideration and any other procedural matters. (10/7/08)
4. Organization of MISO States (OMS) comments to the Federal Energy Regulatory Commission (FERC). OMS will hold a Board of Directors Meeting on October 9, 2008. Possible comments by OMS to FERC regarding Ancillary Services Market (ASM), Cost Allocation of Transmission Expansion (RECB II) and Revenue Sufficiency Guarantee (RSG). (10/7/08)
5. D2006.9.137, D2007.9.104, D2008.9.113, D2008.9.119 – Mountain Water Company – General rate case and power cost trackers – Discuss consolidating the dockets into D2008.9.119. (10/7/08)

Other Meetings

Weekly Scheduling, Review of Monthly Calendars, and Docket Status Updates (if requested by a Commissioner).

Notice Items All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

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| 1. <u>ENERGY WEST</u> | <u>D2008.9.107</u> | <u>(JOEL)</u> |
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On September 5, 2008, Energy West filed a petition with the Commission for a Special Permit from both Part 192.121 and Part 192.123 of the pipeline safety regulations. The Special Permit will allow Energy West to use Polyamide 12 piping, which is currently not an approved material under the regulations, for a section of their proposed line to bring natural gas to the community of Cascade. Cascade is currently served with propane through an underground distribution system, and would be converted to an underground natural gas system under this petition.

Protective Orders – Notice Items The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

1. K.W.B. Pipeline Corporation (KWB) D2006.7.108 Justin

On October 1, 2008, KWB filed a motion for protective order to govern access to certain confidential information requested in this docket. Specifically, KWB seeks protection for those portions of the Ryder Scott report pertaining to non-Montana wells, or which contain summaries or totals of reserves and include information on non-Montana wells. KWB asserts that the information is trade secret.

Protective Orders – Information Items The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199.

Information Items All items identified below are for information only.

New Filings Received in Past Week

D2008.9.119 – Mountain Water Company – Application for Authority to Increase Rates and Charges for Water Service in Missoula, Montana